

REMARKS

The Examiner's attention to the present application is noted with appreciation.

In Section 4 of the Office Action dated March 24, 2004, the Examiner rejected claims 1-8 and 14-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0092195 (to Moon et al.). The Examiner stated that Moon et al. do not explicitly teach the nozzle size, flow rate, and spacing in the electrospray deposition embodiment, but that it would have been obvious to perform the deposition using the parameters taught for electrospray transfer which the Examiner states are within the ranges claimed in the present invention.

However, Moon et al. make use of electrospray transfer by introducing electrophoretic separation products as a liquid sample to a device that produces electrospray ionization. A goal of Moon et al. is to use a spectrometer or other device for analysis of the liquid. Moon et al. provide a micro-chip-based electrospray device for ionization of a liquid sample. Moon et al. do not utilize electrospray ionization for deposition on surfaces (Moon et al. discuss deposition in relation to the fabrication of the micro-chip-based device (i.e., deposition of conductive material via sputtering for forming the electrode on the micro-chip substrate; See, e.g., Moon et al., page 11 [0128])).

The device of Moon et al., therefore, is directed at spraying multiple droplets at a surface in a dispersed manner to detect the constituents of the spray. On the other hand, the present invention is directed at coating a specific surface with very small spots of a liquid so that no substantial amount of liquid is deposited outside the selected portion. Consequently, as stated in claim 1, and clarified in the amendment to the preamble of claim 1 to coincide with the body of the claim, the present invention is specifically directed to concentrate a liquid on a specific, selected surface. The parameters recited in claim 1 provide for that result. Neither the result nor the parameters are taught or suggested by Moon et al. A practitioner in the art would look to Moon et al. for the analysis of liquids.

Accordingly, claim 1 is believed to be allowable. Claims 2-8 and 14-20 are dependent on claim 1; therefore, those claims are also believed to be allowable.

In Section 5 of the Office Action, the Examiner rejected claims 9-13 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over Moon et al. and further in view of U.S. Patent No. 6,350,609 (to Morozov). The rejection is traversed for the reasons given above. Further, Morozov relates to coating a substrate using masks to form a pattern (See column 7, line 54 to 67), and the mask is placed at a distance from the substrate greater than the distance between the capillary tip and the substrate in the present invention (See, e.g., column 11, line 65 (15-40 mm); column 26, line 49 (4 mm); column 28, line 4 (20 mm)).

The present invention is directed to a different method (i.e., approach) and desired result so that combining it with Moon would not lead to, or suggest, the present invention. In addition, claims 9-13 and 15-19 are dependent on claim 1 which is believed to be allowable. Therefore, claims 9-13 and 15-19 are believed to be allowable.

In view of the above, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Also being filed herewith is a Petition for Extension of Time to August 24, 2004, with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,

By:



Vidal A. Oaxaca, Reg. No. 44,267
Direct line: (505) 998-1505

Application No. 09/868,408

PEACOCK, MYERS & ADAMS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Customer No. 005179

G:\AMDS\Los&Stig\Moerman OA Resp 8-04.doc